

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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CERTIFIED COPY

JUSTIN CODY HARPER,	)	Case No.
	)	5:23-cv-00695-
Plaintiff,	)	SSS-DTBx
	)	
vs.	)	
	)	
CITY OF REDLANDS, REDLANDS	)	
POLICE DEPARTMENT, POLICE	)	
OFFICER KOAHOU, and DOES	)	
1-10,	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF MARTIN SALAZAR

Remote Deposition

Tuesday, August 13, 2024

Reported by:  
Glinda F. Banks  
CSR No. 11984  
JOB No. 24-140090B

1 you grab back onto the door handle again to attempt  
2 to open the door?

3 A. Yes.

4 Q. And is that what caused you to form the  
5 belief that it was now locked, because you couldn't  
6 get that door open again?

7 A. Yes.

8 Q. Now, it appears -- well, let's go to your  
9 statement.

10 Salazar had set the vehicle's emergency  
11 parking brake while he cleaned the car, but Harper  
12 could not find the brake release.

13 And this was -- it looks like Mr. Harper  
14 started trying to back the vehicle out of your  
15 driveway. Is that correct?

16 A. Correct.

17 Q. All right. Did the vehicle actually start  
18 moving in the reverse direction out of your  
19 driveway?

20 A. Slightly, yes.

21 Q. Okay. Can you estimate for me the  
22 approximate speed of the vehicle as it started  
23 reversing out of your driveway?

24 A. It wasn't moving -- it was moving less  
25 than five miles. It was still stuck in its place,

1 but it was moving like two miles -- like inches.

2 Q. Okay. And as the vehicle started backing  
3 up in reverse out of the driveway, what were you  
4 doing? Were you still pulling on the door handle  
5 or anything of that sort?

6 A. Pulling on the door handle and yelling for  
7 help. My neighbor was luckily outside.

8 Q. And when you saw your neighbor, who are  
9 you referring to?

10 A. It's my neighbor across the street. His  
11 name is Greg.

12 Q. Greg Gallo?

13 A. Gallo, yes.

14 Q. When you were yelling for help, did  
15 Mr. Gallo respond to you in any way?

16 A. Yes.

17 Q. What did he say or do?

18 A. He told me to get away from the vehicle.

19 Q. Anything else that Mr. Gallo said to you?

20 A. No.

21 Q. Your next statement on RPD1196 says:

22 Harper accelerated but could hardly move the  
23 vehicle. Next sentence: At some point Harper  
24 drove the vehicle forward and reversed it out of  
25 the driveway.

1 Now can you explain that to me? Did at  
2 some point in time while your aunt's vehicle was in  
3 the driveway, was it backing up? Did it start  
4 moving forward and then backwards again?

5 A. No. So when he was reversing, he was  
6 still moving like very, very slowly where he got  
7 onto -- where he actually was able to come out of  
8 my driveway where now he's actually on the street.  
9 And the vehicle was now getting closer to my  
10 neighbor's house, Greg Gallo. And then that's  
11 when -- from where his house is, that's when he  
12 started going forward.

13 Q. Okay. Next sentence says: The rear  
14 wheels remained locked, but the front tires  
15 screeched on the driveway pavement which allowed  
16 the vehicle to reverse slowly into the middle of  
17 Nathan Court.

18 Do you remember observing that?

19 A. Yes.

20 Q. Now during this time that the car is  
21 backing out and going now into Nathan Court, were  
22 you still holding onto the driver's side door  
23 handle in an attempt to get into the vehicle?

24 A. Yes.

25 Q. And at any point in time did you lose your

1 Q. And you have already testified that you  
2 were saying get out of here, get out of here. Did  
3 you say anything else to Mr. Harper other than get  
4 out of here that you recall?

5 A. No.

6 Q. Other than Mr. Gallo telling you to let go  
7 of the car, or words to that effect, do you recall  
8 him saying anything else to you up until this point  
9 in time?

10 A. No.

11 Q. Did Mr. Gallo ever come over in close  
12 proximity to your aunt's Honda Accord after it  
13 backed into the middle of Nathan Court?

14 A. No.

15 Q. Where was he standing when he was yelling  
16 to you to let go of the car, or words to that  
17 effect?

18 A. He was standing in the front of his  
19 driveway.

20 Q. Okay. And as you're facing from your  
21 driveway looking out to the street, would Mr.  
22 Gallo's house be on the left or the right side of  
23 your house?

24 A. The left side.

25 Q. Okay. So he is the house right next door

1 Q. Okay. I think I understand. So to the  
2 best of your ability, can you estimate how many  
3 feet away he was from your aunt's vehicle when he  
4 yelled to you to let go of the car, or words to  
5 that effect?

6 A. He was like 25 feet. He wasn't that close  
7 to it at all.

8 Q. And going back to your statement. It says  
9 the vehicle came to a stop in the middle of Nathan  
10 Court and faced south toward San Bernardino Avenue.

11 Does that sound accurate to you?

12 A. Yes.

13 Q. Going on to the next page, which for the  
14 record is RPD1197, it says: Salazar continued to  
15 yell at Harper to exit the vehicle, but Harper  
16 refused and continued to try to release the  
17 emergency brake.

18 Now, when it says Harper refused, was he  
19 making verbal statements to you saying no, I'm not  
20 going to do that? Or is that he just wasn't getting  
21 out of the car?

22 A. He was just ignoring me and wasn't getting  
23 out of the car.

24 Q. Okay. Next it says: An unknown white  
25 male adult, approximately 50 to 60 years old,

1 wearing a brown T-shirt, entered the front  
2 passenger seat and began striking Harper six to  
3 seven times on the side of his head with his fist.

4 Did you observe this happen?

5 A. Yes.

6 Q. And where were you located such that you  
7 were able to observe these actions by the unknown  
8 white adult male?

9 A. I stepped away from the vehicle. So now I  
10 was about 15 to 10 feet away from the vehicle.

11 Q. How were you oriented 15 or 20 feet away?  
12 Were you, for example, to the driver's side of the  
13 vehicle? The rear of the vehicle? The front of  
14 the vehicle? Or what?

15 A. The driver's side.

16 Q. Okay.

17 A. I mean -- sorry. It would be not the  
18 driver -- the driver -- back driver side.

19 Q. So driver's side of the vehicle but more  
20 towards the rear of the vehicle --

21 A. More towards the rear.

22 Q. Like a backseat passenger on the driver's  
23 side?

24 A. Correct.

25 Q. And as you saw this unknown male striking

1 Q. Did you hear the taser go off or see it  
2 fire at Mr. Harper?

3 A. Yes.

4 Q. Did you hear like a clicking noise? Does  
5 that sound familiar?

6 A. Yes.

7 Q. And after the taser was deployed at  
8 Mr. Harper, did Mr. Harper do anything or say  
9 anything in response?

10 A. He was just in pain, yelling.

11 Q. Do you recall what he was yelling?

12 A. Just screaming. Just not -- just no  
13 words.

14 Q. Okay. It says Harper briefly let go of  
15 the steering wheel and turned his body to the right  
16 toward the center of the vehicle.

17 Do you remember seeing that action by  
18 Mr. Harper?

19 A. Yes. He kind of tucked in and leaned his  
20 body on the center console.

21 Q. When you say tucked, you mean bend over  
22 from his waist toward the center console area?

23 A. So his stomach -- like he was curled up.

24 Q. Okay.

25 A. Curled up on the center console.



1 Q. Okay. Next sentence says: Harper grabbed  
2 the vehicle -- the vehicle's gear shift, tried to  
3 place the gear into drive.

4 Do you remember seeing that happen?

5 A. Yes.

6 Q. Officer Koahou -- I'm adding officer. It  
7 says Koahou reached inside the vehicle and tried to  
8 control Harper's hands.

9 Did you see actions to that effect occur?

10 A. Yes.

11 Q. Can you describe that in any further  
12 detail for me?

13 A. He was pretty much trying to grab his  
14 hands to avoid trying to steer the vehicle into a  
15 different direction where they would lose their  
16 balance.

17 Q. Okay. Was -- now we heard part of the  
18 interactions between Officer Koahou and Mr. Harper  
19 there. And I'll replay it for you here in a  
20 moment. Do you recall Officer Koahou saying  
21 anything to Mr. Harper when he is physically  
22 struggling with him trying to control Mr. Harper's  
23 hands?

24 A. No.

25 Q. I am going to go back to that audio

1 correct me if you didn't hear this. But what I  
2 heard was "don't do it, don't do it, I'll shoot  
3 you." Do you recall that on the audiotape?

4 A. Yes.

5 Q. Is that kind of consistent with what you  
6 are discussing here, Koahou advised Harper to stop  
7 the car or he would be shot?

8 A. Yes.

9 Q. It says: The vehicle continued moving  
10 forward at approximately five miles per hour with  
11 Koahou still inside the front driver's compartment.  
12 Koahou jumped back and away from the vehicle and  
13 pointed his firearm at the front driver's side  
14 door. Salazar saw Koahou fire one shot from his  
15 firearm toward the front driver's side door of the  
16 vehicle as the vehicle's door closed. Salazar  
17 estimated Koahou stood approximately six inches  
18 from the front driver's side door when he fired at  
19 the moving vehicle.

20 Do you see that language?

21 A. Yes.

22 Q. Does that appear accurate based on your  
23 recollection of the events as you sit here today,  
24 Mr. Salazar?

25 A. I might have said six inches. I meant six

1 feet.

2 Q. Okay. That appeared pretty close to me  
3 which is why I wanted you to clarify that.

4 So Officer Koahou is about six feet away  
5 from the front driver's side door of your aunt's  
6 Honda Accord when he fired his weapon at the  
7 vehicle; is that correct?

8 A. Yes.

9 Q. And if I can, I'm going to try to show you  
10 a bystander video. We had some trouble with this  
11 earlier. Let's see what we can do here. Bear with  
12 me.

13 For the record this is Bates 886.

14 (Defendants' Exhibit 3 was marked for  
15 identification.)

16 BY MR. TOUCHSTONE:

17 Q. Do you see a still shot of a video screen  
18 in front of you, Mr. Salazar?

19 A. I do see a video, yes.

20 Q. Okay. Can you see my cursor hovering  
21 towards the top of the screen?

22 A. Yes.

23 Q. Okay. I know it's some distance away  
24 here. But this vehicle, the black vehicle that I'm  
25 covering my cursor over in the middle of the screen

1 A. Yes.

2 Q. Now, were you able to hear the audio of  
3 that video as well?

4 A. Yes.

5 Q. Did you hear two gunshots?

6 A. I didn't hear two gunshots in the video.

7 Q. As you -- I'm going put your statement  
8 back up.

9 It says: Salazar estimated Koahou stood  
10 approximately -- it says six inches, but we have  
11 now established that that was six feet from the  
12 driver's side door when he fired at the moving  
13 vehicle. And it says in your statement that you  
14 observed one shot being fired.

15 Is that correct?

16 A. Yes.

17 Q. Okay. Do you recall, as you sit here  
18 today, was it one or two shots that you heard?

19 A. That I recall I thought it was one shot.

20 Q. Okay. Fair enough. Going back to your  
21 statement here, the next sentence says: The  
22 vehicle sped away at a fast rate of speed, struck  
23 the south curb of Nathan Court, drove over a  
24 sidewalk and entered onto San Bernardino Avenue.

25 Do you see that?

1 A. Yes.

2 Q. So after the gunshots you saw the vehicle  
3 drive off, hop over a curb, and go onto San  
4 Bernardino Avenue. Is that accurate?

5 A. Correct.

6 Q. And can you estimate for me the speed of  
7 the vehicle as it drove off after the gunshot you  
8 heard?

9 A. It was going like 30 miles per hour. 30  
10 to 40.

11 Q. The vehicle turned west, drove a short  
12 distance, and came to a stop. Salazar did not know  
13 if Harper had been shot or injured by the round  
14 fired by Koahou.

15 Can you see that?

16 A. Yes.

17 Q. Okay. When you saw the vehicle come to a  
18 stop, where were you located when you observed  
19 that?

20 A. When the vehicle came a stop on San  
21 Bernardino Avenue?

22 Q. Yes, sir. Where were you standing?

23 A. I actually ran inside the house.

24 Q. So let's back up. So you see the officer  
25 struggling with Mr. Harper. You see the taser be

1 door area?

2 A. Yes.

3 MR. TOUCHSTONE: All right. I promised  
4 you a break at about an hour. We went a little bit  
5 over that. Let's go ahead and take a ten-minute  
6 break, Mr. Salazar. Is that okay?

7 THE WITNESS: Okay.

8 MR. TOUCHSTONE: All right we'll see you  
9 back at 3:30.

10 (Brief recess taken.)

11 BY MR. TOUCHSTONE:

12 Q. All right. Can you see your statement on  
13 the screen again, Mr. Salazar?

14 A. Yes. I can now, yes.

15 Q. I am looking at the last paragraph on  
16 RPD1197. It says Salazar did not recall anyone  
17 standing directly in front of Harper when he drove  
18 forward through the cul-de-sac.

19 Do you see that language?

20 A. Yes.

21 Q. Okay. At any point in time during the  
22 physical struggle between Officer Koahou and  
23 Mr. Harper, did you see anybody standing in front  
24 of your aunt's black Honda Accord?

25 A. No.

1 Q. Where were the other people located as  
2 Officer Koahou was struggling, for example, at the  
3 time when he was trying to get control of  
4 Mr. Harper's hands?

5 A. We were behind the vehicle on the driver's  
6 rear end.

7 Q. Okay. Now, when I showed you that video,  
8 did you see those two individuals who were in front  
9 of the car at that point time in the very  
10 beginning? I believe it was timestamp 0:03 of the  
11 video.

12 A. Yes.

13 Q. Did those individuals move from the front  
14 of the car around towards the rear of the vehicle  
15 at some point in time?

16 A. Yes.

17 Q. When Officer Koahou was tasing Mr. Harper,  
18 do you know if there was anybody in front of your  
19 aunt's black Honda Accord?

20 A. No.

21 Q. They were not, or you don't know one way  
22 or the other?

23 A. Oh, sorry. They were not in front of the  
24 vehicle.

25 Q. Okay. They had already moved out of the

1 front of the vehicle more towards the side,

2 driver's side of the car?

3 A. Yes.

4 MR. TERRELL: Objection. It misstates the  
5 testimony he's given.

6 BY MR. TOUCHSTONE:

7 Q. Well, let's clear that up, Mr. Salazar.

8 At the time that -- strike that.

9 You stated that you saw in the video that  
10 I showed you there were people standing in front of  
11 the your aunt's black Honda Accord; correct?

12 A. Correct.

13 Q. Those people moved out of the way at some  
14 point in time; true?

15 A. Correct.

16 Q. Did you see when those people who were  
17 standing in the front of your aunt's car -- in  
18 relation to Officer Koahou's actions did you see  
19 when those people moved out of the front of your  
20 aunt's vehicle?

21 A. No.

22 Q. Okay. You know that at some point in time  
23 they ended up to the driver's side of your aunt's  
24 vehicle towards the rear. Is that correct?

25 A. Yes.



1 were gunshots right as the vehicle started driving  
2 away?

3 A. Yes.

4 Q. Okay. And I'll play it again. It's now  
5 stopped at 15 seconds. I'm going to go back to the  
6 very beginning, zero seconds. And play it all the  
7 way forward to 15 seconds again. And again we're  
8 referring to Bates 886.

9 Did you see Officer Koahou run alongside  
10 the right side of the vehicle as it started taking  
11 off --

12 A. Yes.

13 Q. -- then you hear the pops?

14 MR. TERRELL: Objection. Compound.

15 Go ahead.

16 MR. TOUCHSTONE: Well taken. I'll break  
17 it down.

18 Q. Did you see Officer Koahou running along  
19 the right side of the vehicle on the passenger door  
20 area as the vehicle started to take off?

21 A. Yes.

22 Q. And did you hear, as Officer Koahou was  
23 running alongside the right side of the vehicle  
24 after it was already in motion, two pops?

25 A. Yes.

1 EXAMINATION

2 BY MR. TERRELL:

3 Q. I'm looking at one, two -- the third  
4 paragraph, sir, if you can follow it. And I  
5 believe it's like the second or third sentence in  
6 there where it starts out and it says, "The vehicle  
7 continued moving forward...." Do you see that,  
8 sir?

9 A. Yes.

10 Q. Do you see that one right there, sir?

11 A. Yes.

12 Q. Okay. It states: The vehicle continued  
13 moving forward at approximately five miles per hour  
14 with Koahou still inside the front driver's  
15 compartment.

16 Do you remember saying this statement?

17 A. Yes.

18 Q. Okay. And when it first started moving,  
19 that was the speed that you believed or perceived  
20 that the vehicle was moving; correct?

21 MR. TOUCHSTONE: Vague as to time.

22 THE WITNESS: Yes.

23 BY MR. TERRELL:

24 Q. And is that when the vehicle first started  
25 to move forward when the officer was present?